

REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claims 6-7 have been amended to place them in better form for examination. Claims 6-10 are pending for further examination.

A terminal disclaimer has been filed herewith. This should resolve the double patenting rejection with respect to claims 6-8. Therefore, Applicant respectfully requests that this rejection be withdrawn.

Claim 6 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Martin et al. (U.S. Pat. 5,355,302 “Martin”) in further view of Ludwig (U.S. Pat. 5,689,641 “Ludwig”), Hendricks et al. (U.S. Pat. 6,408,437 “Hendricks”), and Vogel (U.S. Pat. 5,117,407 “Vogel”). Applicant also notes that the rejection appears to rely on Frank et al. (U.S. Pat. 5,341,350 “Frank”) (See Office Action page 9) to provide a touch-screen display, but Frank was not listed in the initial list of applied references. For at least the following reasons, Applicant respectfully submits that the prior art of record does not teach or suggest the combination claimed by Applicant in independent claim 6.

For example, claim 6 requires “registering said jukebox device for operation through communication between the jukebox device and the server system.”

According to the Office Action “[t]he claimed ‘registering said jukebox device for operation through communication between the jukebox device and the server system’ is met by ‘[t]he central management system 11 communicates with each computer jukebox

13 to determine the number of times each song has been played' (Martin 3:26-28) and 'the central management system 11 monitors each jukebox 13 to determine the number of times each song has been played' (Martin 3:7-12) wherein it is inherent that the jukebox device be registered with the central management system in order for the server to successfully communicate with each particular jukebox computer." Applicant respectfully disagrees with this characterization of both Applicant's own claims and Martin.

Applicant's claim 6 requires "registering said jukebox device for operation." This is not simply registering the jukebox. It is apparent from Applicant's specification, page 15, that the jukebox will not actually work (enter the RMM module) unless a correct registration number has been validated. Hence the "for operation" portion of the cited claim element. Nothing in Martin discusses registering the jukebox of Martin, let alone registering the jukebox "for operation."

Further, although the Office Action alleges "it is inherent that the jukebox device be registered with the central management system in order for the server to successfully communicate with each particular jukebox computer," Applicant respectfully disagrees. The central management system only need have some identifier associated with the jukebox in order to communicate with it. This does not require that the jukebox be registered, and, even if the Examiner continues to disagree with Applicant on this point, this does not inherently disclose that the jukebox be registered "for operation" as claimed by Applicant.

For at least this reason, claim 6 is patentably distinguishable from the prior art of record. Claims 7-10 should also be patentable based at least on their dependency from allowable claim 6.

As another example of a claim element not taught by the cited prior art, Applicant's claim 6 requires "providing a management function that enables an authorized manager of the jukebox device to locally access and selectively modify operating settings for the jukebox device through use of the touch-screen display."

The Office Action concedes that Martin does not specifically teach providing a management function and introduces Vogel to compensate for this deficiency. According to the Office Action, the claimed element is met by "control means for providing management functions (Vogel 5:25-43)." Vogel, however, does not teach the claimed local access and selective modification of operating settings.

Vogel teaches "additional control means to provide delivery of messages directed to the public as requested by an operator of the jukebox." (Col. 5, lines 27-28). "Delivery of messages directed to the public" is not "locally access[ing] and selectively modify[ing] operating settings."

The specification gives a non-exhaustive list of examples as to what Applicant meant by operating settings. Listed are such things as: volume, microphone control, balance control, base, and treble. None of these or the other listed items are remotely the same as "delivery of messages directed to the public" as taught by Vogel. "Delivery of messages" as taught by Vogel is not an operating setting. Instead, it is, for example, a

greeting preceding a particular song. (Col. 5, lines 28-30). Vogel even gives a specific example of how the message system works (Col. 5, lines 38-43).

Applicant has claimed a system whereby a manager can locally, through use of a touch screen, modify various operating settings of the jukebox. This is wholly different from instructing a jukebox to deliver a personalized message to accompany a song.

Therefore, for at least this reason also, claim 6 is patentably distinct from the prior art of record. Again, claims 7-10 should be patentable at least by virtue of their dependency from claim 6.

Finally, Applicant notes that claim 10 requires “further including providing a second management function that enables an authorized manager of the jukebox device to access and selectively modify operating settings for the jukebox device through use of a remote control.”

The Office Action alleges that the above limitation is met by “management system that remotely accesses the jukebox device to modify operating system such as the local music library.”

First, Applicant has not claimed “remote” modification of the operating settings, but rather modification of the operating settings “through use of a remote control.” A remote control is a physical device, kept in relative proximity to the jukebox, and used by, for example, a manager, to modify and change settings of the jukebox. An example of such a device is described on page 17. Martin’s disclosed remote communication from a central management server does not read on the “remote control” taught by Applicant.

Secondly, "operating settings" are settings such as: volume, microphone control, balance control, base, and treble. These are distinct from modification of the music contained in the music library. Applicant has provided a non-exhaustive list of exemplary operating settings in the specification on page 17.

Thus, for at least this reason, Applicant respectfully submits that claim 10 is also patentably distinct from the prior art of record.

For at least the foregoing reasons, Applicant respectfully submits that the invention defined by the amended claims herein is not taught or suggested by the prior art of record. Thus, withdrawal of the rejections and allowance of this application are earnestly solicited.

Should the Examiner have any questions, please do not hesitate to call the undersigned attorney at the phone number below.

Respectfully submitted,

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